

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FERNANDO TELLO MEJIA,

Case No. 23-CV-3852 (PJS/DLM)

Plaintiff,

v.

ORDER

UNITED STATES OF AMERICA,

Defendant.

Fernando Tello Mejia, pro se.

This matter is before the Court on plaintiff Fernando Tello Mejia's objection to the January 19, 2024 Report and Recommendation ("R&R") of Magistrate Judge Douglas L. Micko. ECF No. 6. Judge Micko recommends dismissing Mejia's complaint without prejudice for failure to state a claim pursuant to 28 U.S.C. § 1915A(b)(1) and denying Mejia's pending motions as moot. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court adopts the R&R.

Only one matter merits comment. In his objection, Mejia insists that the Court has misconstrued his complaint, and that he has brought this action not just against the United States, but also against Hennepin County and against a law-enforcement officer named Ricardo Muro in his official and personal capacities. Whatever Mejia intends

now, the fact remains that he has only named and sought relief against the United States, and has not amended his complaint to add any other defendants (despite Judge Micko warning him in advance of the deficiency of his pleadings, *see* ECF No. 4 at n.2). Dismissal without prejudice is therefore warranted for the reasons set forth in the R&R.

ORDER

Based on all of the files, records, and proceedings herein, the Court OVERRULES plaintiff's objection [ECF No. 11] and ADOPTS the R&R [ECF No. 6]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Plaintiff's complaint [ECF No. 1] is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915A(b)(1).
2. Plaintiff's application to proceed *in forma pauperis* [ECF No. 3] is DENIED.
3. Plaintiff's motion for appointment of counsel [ECF No. 1] is DENIED AS MOOT.
4. Plaintiff is required to pay the unpaid balance of this action's statutory filing fee (\$330.00) in the manner prescribed by 28 U.S.C. § 1915(b)(2), and the Clerk of Court is required to provide notice of this obligation to the authorities at the institution where plaintiff is confined.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 11, 2024

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge
United States District Court